



The Ultimate Conservation Risk Guide



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Introduction

Know your risks. Create your plan. Protect your organization.



Today, conservation organizations face a range of risks. Some are obvious and even predictable while others are difficult to forecast and even harder to prepare for. But there are things you can do to identify and guard against these risks.

Here are some of the top risks you face—and steps you can take to prevent them.



Conserve-A-Nation® currently insures:

More than 1,500 clients

Nearly 5 million acres

All 50 states

Land Use and Management

Land acquisition, conservation easements, fundraising, recreational activities, financial management, human resource practices or policies, and dozens of other activities your organization engages in can become the source of a dispute that could result in a lawsuit. For example, a dispute can start when:

- **A donor feels a land trust mismanaged its donation**
- **A visitor trips over an uneven sidewalk or trail and suffers an injury**
- **A guest is involved in an auto accident after leaving a fundraiser where alcohol was served**
- **A land trust is accused of failing to properly monitor a parcel or otherwise uphold the terms of a conservation easement agreement**

Any one of these situations could result in costly and time-consuming legal action. In today's litigious climate, it's important to remember that an organization is always vulnerable to legal action. If your land has lots of visitors, difficult terrain, or high-risk athletic activities (rock climbing, mountain biking, adventure races, and other competitions), the likelihood that your organization could be accused of responsibility for a visitor's injury increases.

But it's not just high-impact use that can increase your risk profile. Even relatively flat parcels with beginner-level trails see the occasional injury. Any organization owning property should consider adding umbrella coverage to bolster liability protection—and increase your umbrella coverage if you're hosting extreme sports.

And it's not just about your property. Even organizations that don't own land have an exposure to bodily injury claims arising from easement properties, office spaces, or special events, including fundraising and networking events. Make sure you have general liability coverage that will respond regardless of where an accident takes place.

Personnel and Administration Risks

Interacting with the general public brings a degree of risk and unpredictability, but have you also thought about situations where employees, volunteers, or leadership open up your organization to liabilities?

Executive Leadership

When most people consider directors and officers liability insurance (D&O), they might be thinking about larger companies. But they're not the only organizations that need it. Non-profit organizations need D&O just as much as for-profit companies—sometimes even more. In many cases, non-profit directors and officers may have greater exposure to risk than their for-profit counterparts. Disputes over easement agreements are one of the most common causes of liability insurance claims against conservation non-profits. In the event a grant-funded project fails to reach completion, conservation non-profits may find themselves facing a lawsuit by the grantor. You could also be liable if your staff unintentionally uses someone else's photos or artwork in your print or online promotional materials.

Solutions

- ☒ Define roles, responsibilities, and expectations
- ☒ Provide training where necessary
- ☒ Make sure you have a strong D&O policy

Independent Contractors

Using independent contractors—whether for clerical office work or land maintenance services—exposes your organization to lawsuits ranging from employee misclassification to third-party liability related to uninsured contractors. This is because you could be responsible for coverage for any injuries to an independent contractor's employee, which can drive up the cost of your workers' compensation insurance. Non-profits should have employment practices liability and workers' compensation policies in place, even if their workers are paid by 1099.

Solutions

- ☒ Only use reputable contractors that are adequately insured
- ☒ Confirm coverage by requiring the subcontractor to provide a certificate of insurance
- ☒ Be sure you are named as an additional insured on the subcontractor's policy

Employees

Many organizations with employees are legally required to carry workers' compensation insurance, making a gap in coverage less of a possibility. However, even if workers' compensation is not required of you by law, it is strongly recommended that all organizations with employees carry it to protect both the organization and the employee. But organizations like yours need to be aware of more than just injuries. Hiring, firing, and a plethora of other decisions you make about your employees can open the door to a lawsuit. Many organizations are under the impression that employee lawsuits are just a problem for large corporations. Not true. Every year non-profit organizations face the same legal risks as larger businesses.

Solutions

- ☒ Develop formal practices for hiring and firing, among other employment practices; apply them consistently
- ☒ Create and communicate a zero-tolerance policy for high-risk issues such as substance abuse
- ☒ Document your employment practices in a handbook
- ☒ Train supervisors on workplace issues such as managing difficult employees
- ☒ Verify your risk program includes employment practices liability insurance (EPLI)

Volunteers

Volunteers are the backbone of the non-profit system. However, since all-volunteer organizations are not subject to the compulsory requirements of workers' compensation law, there can be a coverage gap if your volunteer is injured. Even in a situation where a volunteer's liability would be covered by the Volunteer Protection Act, it is likely that your organization would still be on the hook for attorney fees, court costs, and other defense charges.

Solutions

- ☒ Make sure you have the right insurance coverage in place
- ☒ Develop formal practices for screening and training volunteers; apply them consistently
- ☒ Create and communicate a zero-tolerance policy for high-risk issues such as substance abuse
- ☒ Document your volunteer practices in a handbook
- ☒ Train supervisors on ways to work and interact with volunteers and how they differ from employees

Cyber Risk

Although the large-scale, well-publicized data breaches afflicting large organizations like Home Depot, Anthem, and Equifax may get the press attention, they are not the only targets of cyber criminals. In fact, smaller businesses and non-profit organizations need to be on guard. Why? Because technology makes it possible for one criminal to attack thousands of organizations at once, and these organizations store and have access to a wide range of personal information.

Hackers know that small organizations without an IT budget are low-hanging fruit. And they also know that even the smallest non-profit has valuable records to protect. Specifically, volunteer or employee records and donor information (found on paper checks or credit cards).

Protecting this information is your responsibility, even if you contract with an outside firm. If your employee or donor records are breached, you could still be legally responsible for the fallout, even if the breach was out of your control. And even if you do everything right, there are still risks. Online threats are evolving every day, and staying up to date on the latest cyber protections is a full-time job. And even then, there are no guarantees. Secure your organization's critical data through best practices and a cyber insurance policy. Many cyber policies offer pre-breach services that can be helpful to organizations that place a priority on preparation as a form of protection.



"Hackers know that small organizations without an IT budget are low-hanging fruit."

Public Risk

Although interacting and engaging with the general public can be an essential part of your organization's operation, the "human factor" does come with some risks.

Working with Kids

Any time minors are involved, a non-profit's risk exposure increases. In addition to general liability coverage for standard bodily injuries, you should consider additional coverages available in the event of allegations of sexual abuse against an employee or volunteer.

Adult-Focused Programing

Although interacting primarily with adults exposes a non-profit to less risk, it doesn't mean you're immune to risk completely, especially if the activities in question involve dangerous or extreme sports or alcohol. Be sure your general liability and umbrella limits are adequate if a member of the public is injured while participating in one of your hikes, paddle tours, bike rides, and other outdoor activities.

Special Events

Special events can sometimes carry special risks. Fundraising, seminars, and awareness events can lead to risks and losses, including bodily injury or property damage. Even if you plan and prepare—following well-documented safety procedures; training employees, volunteers, and vendors; and coordinating with local authorities—things can go wrong. And frequently, general liability insurance doesn't cover all the costs. Make sure you carry the right coverage for your specific event.

Watch for the Gaps

Even if you are not offering programs and activities for the public, your risk of a bodily injury lawsuit is not zero. There are some risks you may not have considered, and those blind spots may conceal coverage gaps. For example, you could still face risks from a slip and fall by a visitor or donor at a meeting or fundraiser. Be sure to have general liability coverage in place for those occasional mishaps.

Overview and Conclusion

Rest easy. You're covered.

With Conserve-A-Nation, you can rest easy knowing that your mission and organization are under the watchful eye of an experienced team of conservation risk professionals. We currently insure nearly 5 million acres in all 50 states. Our 1,500 clients span a broad range of organizations.

Current Organizations Include:

- Land trusts
- Conservancies
- Watershed councils
- Environmental foundations
- Wildlife habitat preservation groups
- Clean water advocacy organizations
- Urban parks and greenways
- Hiking clubs and trail groups
- Audubon societies
- Rails-to-trails associations
- Mountain biking clubs
- Community garden associations
- Cave conservancies
- Local climbing organizations

Available Coverage Includes:

- General liability
- Volunteer accident coverage
- Property
- Special events
- Directors and officers liability
- Employment practices liability
- Fiduciary liability
- Automobile liability
- Umbrella and excess liability
- Workers' compensation
- Crime
- Cyber risk
- Pollution liability

About Conserve-A-Nation

Founded in 1994, Alliant's Conserve-A-Nation Insurance Program is the leading insurance solution for land trusts and other 501(c)3 conservation organizations nationwide. Conserve-A-Nation is proud to be the endorsed insurance partner of the Land Trust Alliance. We work with 1,500 local, regional, and national non-profits across the country. Our team's sole focus lies in understanding and protecting our conservation mission. We are dedicated to understanding relevant and applicable liability protection statutes, we stay current on conservation industry trends, and we have deep experience with common risks and exposures that land trusts and other conservation non-profits face every day.

About Alliant Insurance Services

Alliant Insurance Services is one of the nation's leading and fastest growing distributors of diversified insurance products and services. In the face of increasing complexity, our approach is simple: bring on the best people and invest more deeply in the industries and clients we serve. We operate through a network of specialized national platforms and regional offices to offer a comprehensive portfolio of services to our clients. Our goal is to ensure that they get the most innovative products—and innovative thinking—in the industry.

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